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Attorneys for Defendant
HAMILTON SUNDSTRAND CORPORATION

UNITED STATES DISTRICT COURT

IN AND FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SHARIF AHMED OBAID, Plaintiff, v. HAMILTON SUNDSTRAND CORPORATION, a UNITED TECHNOLOGIES COMPANY, and DOES 1 through 20, inclusive. Defendants.	Case No. 08-cv-1197 IEG (AJB) **DEFENDANT HAMILTON SUNDSTRAND CORPORATION'S OBJECTION TO PLAINTIFF'S *EX PARTE* REQUEST FOR TELEPHONIC APPEARANCE AT EARLY NEUTRAL EVALUATION CONFERENCE; DECLARATION OF CASSANDRA H. CARROLL**

Defendant Hamilton Sundstrand Corporation ("Hamilton Sundstrand") hereby objects to Plaintiff Sharif Ahmed Obaid's ("Plaintiff") *ex parte* request to appear telephonically at the August 15, 2008 early neutral evaluation ("ENE"). The Order Setting Early Neutral Evaluation Conference (Docket No. 6) explicitly requires an appearance by the parties. Moreover, for the conference to be meaningful, Hamilton Sundstrand maintains that all parties need to appear physically. Notwithstanding Plaintiff's current residence, he chose to pursue his claims against Hamilton Sundstrand in San Diego, California. Though perhaps inconvenient, he chose this forum.

Based on representations in attorney Donald Green's declaration submitted in support of Plaintiff's request, it appears as though Plaintiff's primary concern is the higher travel costs associated with flying to California on relatively short notice. Declaration of Attorney Donald A. Green in support of Request for telephonic Appearance at Early Neutral Evaluation Conference, ¶ 4. Hamilton Sundstrand therefore offered to stipulate to continue the conference to allow Plaintiff sufficient time to obtain a lower fare airline ticket. (Carroll Decl., ¶¶ 4-5). Although Hamilton Sundstrand did not receive a response, that offer remains available.

Again, Hamilton Sundstrand's strong preference is for both parties to be physically present at the conference. That is the best arrangement, and Hamilton Sundstrand is prepared to appear in person on August 15, 2008. If the Court is inclined to permit Plaintiff to appear telephonically, however, then Hamilton Sundstrand requests that it too be extended the same treatment. If Plaintiff is not going to appear, then Hamilton Sundstrand would rather appear telephonically to avoid the expense of sending a representative from Connecticut to appear personally.

DATED: August 6, 2008

SEYFARTH SHAW LLP

By Cassandra H. Carroll
G. Daniel Newland
Cassandra H. Carroll
Attorneys for Defendant
HAMILTON SUNDSTRAND
CORPORATION

DECLARATION OF CASSANDRA H. CARROLL

I, Cassandra H. Carroll, declare:

1. I am an attorney admitted to practice law in the state of California, and am an associate with the law firm of Seyfarth Shaw LLP, attorneys of record for Defendant Hamilton Sundstrand Corporation ("Defendant"). I make this declaration based on my personal knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true. If called to do so, I could and would testify competently thereto.

2. I make this declaration in support of DEFENDANT HAMILTON SUNDSTRAND CORPORATION'S OBJECTION TO PLAINTIFF'S *EX PARTE* REQUEST FOR TELEPHONIC APPEARANCE AT EARLY NEUTRAL EVALUATION.

3. When I received Plaintiff's Request for Telephonic Appearance at Early Neutral Evaluation Conference, which was filed with the Court, it was the first time I had heard anything from Plaintiff's counsel about any issues with respect to appearing at the Early Neutral Evaluation Conference.

4. On August 5, 2008, I telephoned Plaintiff's counsel, Donald Green, and left a voice mail message stating Hamilton Sundstrand's belief that both parties needed to be physically present for the early neutral evaluation to be effective. At that time, I offered to stipulate to continue the conference to allow Plaintiff sufficient time to purchase a lower fare airline ticket. I requested that Mr. Green let me know by the end of the day if Plaintiff would be amenable to that offer, or that Hamilton Sundstrand would file an objection to Plaintiff's request to appear telephonically. I did not receive a response.

5. On August 6, 2008, I received a message from "Stephanie" of Donald Green's office that Judge Anthony J. Battaliglia was requesting Hamilton Sundstrand's position on Plaintiff's *ex parte* request. As soon I received the message, I telephoned "Stephanie," and left a voice mail message repeating the information I conveyed to Donald Green yesterday.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 6, 2008, in San Francisco, California.

Cassandra H. Carroll

Cassandra H. Carroll

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 560 Mission Street, Suite 3100, San Francisco, California 94105. On August 6, 2008, I served the within documents:

DEFENDANT HAMILTON SUNDSTRAND CORPORATION'S OBJECTION TO PLAINTIFF'S *EX PARTE* REQUEST FOR TELEPHONIC APPEARANCE AT EARLY NEUTRAL EVALUATION CONFERENCE; DECLARATION OF CASSANDRA H. CARROLL

☐ I sent such document from facsimile machine (415) 397-8549 on __________. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (415) 397-8549 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at San Francisco, California, addressed as set forth below.

☐ by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Overnite Express envelope with postage paid on account and deposited with Overnite Express at San Francisco, California, addressed as set forth below.

☒ by transmitting the document(s) listed above electronically to the Court and to the person at the e-mail address set forth below.

Donald A. Green
Doan Law Firm, LLP
2850 Pio Pico Drive, Suite D
Carlsbad, CA 92008
(760) 450-3333
(760) 720-6082 (facsimile)
donald@dgreenlaw.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

Executed on August 6, 2008, at San Francisco, California.

Nancy J. Davilla

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